REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-63 are currently pending with Claims 1-31 and 52-63 withdrawn as directed to non-elected inventions. The present amendment amends Claims 32-51. The changes to the claims are supported by the originally filed application. No new matter has been added.

In the outstanding Office Action, Claims 43 and 46 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; Claims 32-51 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 32, 33, and 49 were rejected under 35 U.S.C. § 102(e) as anticipated by Rathbun (U.S. Patent No. 6,138,123); Claims 35-41, 44-47, 50, and 51 were rejected under 35 U.S.C. § 102(b) as anticipated by Microsoft Windows NT (screenshots, herein "Windows"); Claim 34 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rathbun in view of Ishikawa (U.S. Patent No. 6,483,508); Claims 42 and 43 were rejected under 35 U.S.C. § 103(a) as unpatentable over Windows in view of Ishikawa; and Claim 48 was rejected under 35 U.S.C. § 103(a) as unpatentable over Windows in view of Official Notice.

First, Applicant wishes to thank the Examiner for the courtesy of an interview granted to Applicant's representative on April 20, 2005, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments and amendments, the outstanding grounds for rejection would be reconsidered upon formal submission of a response.

In response to the rejection of Claims 43 and 46 under 35 U.S.C. § 112, first paragraph, Claims 43 and 46 are amended to clarify the claimed subject matter. Specifically, and as discussed during the interview, the Examiner felt there was a contradiction in claiming "the objected permitted to be held as a plural and the object prohibited from being held as a

plural." To that effect, Claim 43 now recites "an object permitted to be held as a plural by the schema definition is discriminated from an object prohibited from being held as a plural by the schema definition using different display colors or different icons." Claim 46 now recites "is held as a plural" instead of "exists as a plural." Accordingly, Applicant respectfully submits that amended Claims 43 and 46 enable one skilled in the art to make and/or use the invention. It is therefore respectfully requested that the 35 U.S.C. § 112, first paragraph, rejection be withdrawn.

In response to the rejection of Claims 32-51 under 35 U.S.C. § 112, second paragraph, Claims 32-51 are amended to remove the use of the word "when" throughout the claims as requested by the Examiner. Accordingly, Applicant respectfully submits that amended Claims 32-51 are now definite. It is therefore respectfully requested that the 35 U.S.C. § 112, second paragraph, rejection be withdrawn.

In response to the rejection of Claims 32, 33, and 49 under 35 U.S.C. § 102(e), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Claim 32, which is also representative of Claim 49, is directed to an object content structure management method for managing a content structure of an object, comprising: expressing the content structure of said object by a tree-structure set membership consisting of (1) zero or at least one object and (2) an attribute capable of being held by said object for each of a plurality of object types; defining a type of said object by a schema definition; managing a list of child objects capable of being held by said object and defined by said schema definition for each of said zero or at least one object; and sequentially managing a list of child objects of an arbitrary object set as a start object, a list of the child objects of each object held by the list of the child objects, and a list of child objects of each object held by a list of child objects of the child objects, thereby managing a content structure of said arbitrary

object set as a start object, wherein: said list of child objects holds instances of all objects actually existing as said child objects and objects which do not actually exist but can exist as said child objects; each object holds determination information for determining whether a certain object is an instance of an actually existing child object or an object which does not actually exist but can exist as a child object.

The Office Action asserts at pages 3 and 4 that Rathbun teaches all the features of independent Claim 32. Applicant respectfully disagrees. Specifically, the Office Action asserts that Rathbun teaches "an object content structure management method for managing a content structure of an object, the content structure of the object expressed by a tree-structure set membership consisting of zero or at least one object, an attribute capable of being held by the object for each object type and the object type being defined by a schema definition, wherein a list of child objects defined by said schema definition is managed for each object, the child objects capable of being held by said object" and supports this assertion with Figure 43 and elements P1, P2, and P3. Applicant respectfully submits that Figure 43 and elements P1, P2, and P3 of Rathbun merely disclose a tree-like ordering of numbers. The objects are simply numbers and are explicitly limited by Rathbun which states that "[t]he elements ***must*** all relate to each other in some orderable fashion."[1] Moreover, Rathbun does not teach or suggest any "schema definition," much less objects defined thereby. In fact, such a definition would not apply to mere numbers which are fully and intrinsically defined by themselves.

The Office Action further asserts at page 4 that "the list of said child objects holds instances of all objects actually existing as the child objects and objects which do not actually exist but can exist as the child object" and supports this assertion by saying that "55 and 56" actually exist and "50-59" can exist. Applicant respectfully disagrees. Even if one accepts that "55 and 56 actually exist and 50-59 can exist" in Figure 43, this still does not meet "the

[1] Rathbun, column 8, lines 44-45 (emphasis added).

list of said child objects ***holds*** instances of all objects actually existing as the child objects ***and*** objects which do not actually exist but can exist as the child object" since the presence of "existing objects" coupled with the possible presence of "objects that may exist" does not suffice since the claim states that ***both*** instances of the existing objects ***and*** the objects that do not but may exist ***are held*** in the list of child objects. In Figure 43, the ranges are only there to facilitate the understanding of the reader and are not actually stored as objects. For example, Rathbun defines an element, which is what is actually being stored, as being "a ***single data-value*** within a data-structure."[2] Applicant thus respectfully submits that the ranges are thus not actually ***held*** in the list of said child objects.

Therefore, the prior art fails to teach or suggest every feature recited in Applicant's independent Claims 32, 33, and 49, so that Claims 32, 33, and 49 are patentably distinct over the prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection based on Rathbun.[3]

In response to the rejection of Claims 35-41, 44-47, 50, and 51 under 35 U.S.C. § 102(b) as anticipated by Windows, Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Claim 35, which is also representative of Claim 50, is directed to an object content structure display method for displaying a content structure of an object, comprising: expressing the content structure of said object by a tree-structure set membership consisting of (1) zero or at least one object and (2) an attribute capable of being held by said object for each of a plurality of object types; defining a type of said object by a schema definition, wherein: objects held by said object as child objects are expressed by a tree structure; a character string representing the object type is displayed on each node of the tree structure to

[2] Rathbun, column 8, line 42 (emphasis added).
[3] See M.P.E.P. 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also M.P.E.P. 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

display a structure of the object; and a type and a value of the attribute capable of being held by an object selected from the displayed tree structure are displayed thereby displaying a content and a structure of the selected object.

Claim 41, which is also representative of Claim 51, is directed to an object content structure editing method for editing a content structure of an object, comprising: expressing the content structure of said object by a tree-structure set membership consisting of (1) zero or at least one object and (2) an attribute capable of being held by said object for each of a plurality of object types; defining a type of said object by a schema definition, wherein: objects held by said object as child objects are expressed by a tree structure; a character string representing the object type is displayed on each node of the tree structure to display a structure of the object; a type and a value of an attribute capable of held by an object selected from the displayed tree structure are displayed thereby displaying a content and a structure of the selected object; a value to be changed is inputted; and change is indicated for said displayed attribute value, the attribute value of the object is updated to the input value.

The Office Action asserts at pages 5, 7, and 9 that Windows teaches all the features of independent Claims 35, 41, 50, and 51. Specifically, the Office Action asserts that Windows teaches "the object type being defined by a schema definition" and supports this assertion with Figure 1. Applicant respectfully disagrees. Figure 1 of Windows displays a list of named sound files none of which has a schema definition. The word "schemes" is used in Figure 1; however, although similar in spelling, it bears no relation to the claimed "schema definition" since the schemes of Windows pertain to a group of configuration of multiple sounds and not to any definition pertaining to one sound.

The Office Action further asserts that Windows teaches "a character string representing the object type is displayed on each node of the tree structure to display a structure of the object" and supports this assertion with element 1 of Figure 1 which shows a

".wav" type. Applicant respectfully disagrees. First, there is a single element 1 and thus the plurality of nodes cannot all have a character string representing the object type displayed thereon. Second, element 1 is not even "***on*** [any of] each node of the tree structure" (emphasis added), but rather below the nodes. Therefore, contrary to the assertion of the Office Action, Applicant respectfully submits that Windows does not teach "a character string representing the object type is displayed ***on each*** node of the tree structure" (emphasis added) as recited in independent Claims 35, 41, 50, and 51.

Therefore, the prior art fails to teach or suggest every feature recited in Applicant's independent Claims 35, 41, 50, and 51, so that Claims 35-41, 44-47, 50, and 51 are patentably distinct over the prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection based on Windows.[4]

In response to the rejection of Claim 34 under 35 U.S.C. § 103(a) as unpatentable over Rathbun in view of Ishikawa, Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

The Office Action does not provide a passage of Ishikawa teaching the aforementioned features of independent Claim 32 not taught by Rathbun. Therefore, even if the combination of the teachings in the Rathbun and Ishikawa patents is assumed to be proper, the combination fails to teach every element of the claimed invention. For example, the combination fails to teach the claimed "said list of child objects holds instances of all objects actually existing as said child objects and objects which do not actually exist but can exist as said child objects; each object holds determination information for determining whether a certain object is an instance of an actually existing child object or an object which does not actually exist but can exist as a child object" or "schema definition" features of

[4] See M.P.E.P. 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also M.P.E.P. 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Claim 32. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.[5]

In response to the rejection of Claims 42 and 43 under 35 U.S.C. § 103(a) as unpatentable over Windows in view of Ishikawa, Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

The Office Action does not provide a passage of Ishikawa teaching the aforementioned feature of independent Claim 41 not taught by Windows. Therefore, even if the combination of the Windows and Ishikawa patents is assumed to be proper, the combination fails to teach every element of the claimed invention. For example, the combination fails to teach the claimed "a character string representing the object type is displayed ***on each*** node of the tree structure." Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

In response to the rejection of Claim 48 under 35 U.S.C. § 103(a) as unpatentable over Windows in view Official Notice, Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Applicant respectfully submits that the Office Action does not provide a reference supporting, nor does it assert, that the facts asserted to be well known, or to be common knowledge in the art are capable of ***instant and unquestionable demonstration as to defy dispute***. Applicant respectfully disputes the Official Notice and submits that it is not common knowledge to use XML context of object expressed by a tree-structure set membership with types defined by a schema definition. Accordingly, Applicant respectfully traverses the Official Notice and requests that appropriate prior art be cited.[6]

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[5] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

[6] See M.P.E.P 2144.03: "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and

Moreover, the Official Notice provided in the Office Action does not teach the aforementioned feature of independent Claim 41 not taught by Windows. Therefore, even if the combination of Windows and Official Notice is assumed to be proper, the combination fails to teach every element of the claimed invention. For example, the combination fails to teach the claimed "a character string representing the object type is displayed ***on each*** node of the tree structure." Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for amended Claims 32-51 is earnestly solicited.

unquestionable demonstration as being well-known."

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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